

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION  
11020 Sun Center Drive, #200  
Rancho Cordova, California 95670-6114

**NOTICE OF PARTICIPATION IN SETTLEMENT  
PLACER COUNTY SUPERIOR COURT COMPLAINT NO. S CV 20205**

The Executive Officer of the Regional Water Board, together with the Placer County District Attorney's Office, the Department of Fish and Game, the City of Rocklin, and the National Oceanic and Atmospheric Administration (NOAA), have negotiated a proposed settlement with D.R. Horton, Inc.—Sacramento for alleged stormwater violations at the Sierra Valley Oaks construction site, a residential construction project undertaken by D.R. Horton, in the City of Rocklin, County of Placer. This Notice also announces the beginning of a 30-day public review period on the Executive Officer's participation in the proposed settlement of the above Placer County action. Comments on the participation in the proposed settlement must be submitted in writing and must be received by the Central Valley Regional Water Quality Control Board **no later than 5:00 p.m. on 25 May 2007.**

On 8 November 2006, the Placer County District Attorney's Office filed Complaint No. S CV 20205 against D. R. Horton, Inc., a Delaware corporation and DOES 1 through 10 for alleged violations of the California Fish & Game Code section 5650 and California Business & Professions Code sections 17200 et seq. As alleged in the Complaint, the action was based on certain events which occurred between November 2003 and March 2004 at the Sierra Valley Oaks construction site, a residential construction project undertaken by D.R. Horton, Inc.—Sacramento, a California corporation, in the City of Rocklin, County of Placer. (Regional Water Board staff understands that the Complaint erroneously names D.R. Horton, Inc., a Delaware corporation, and that it should have named D.R. Horton, Inc.—Sacramento.)

Regional Water Board staff believes that the events alleged in Complaint No. S CV 20205 also involve certain stormwater violations under the Clean Water Act section 301, California Water Code section 13376, and the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 Order No. 99-08-DWQ, pursuant to the provisions of California Water Code section 13385.

Both prior to and subsequent to the filing of Complaint No. S CV 20205, representatives from the Placer County District Attorney's Office, the Department of Fish and Game, the City of Rocklin, the National Oceanic and Atmospheric Administration (NOAA) and Regional Water Board staff (collectively, "governmental entities") and D.R. Horton conferred for the purpose of global settlement discussions. After considerable arm's length negotiations, D. R.

Horton and the governmental entities agreed to a proposed settlement of this matter for two hundred and fifty-one thousand dollars (\$251,000). As per the terms of the Final Judgment Pursuant to Stipulation relative to Complaint No. S CV 20205, D. R. Horton has agreed to pay eighteen thousand dollars (\$18,000) to the State Water Pollution Cleanup and Abatement Account to cover Regional Water Board staff costs of the investigation, as well as sixty-two thousand dollars (\$62,000) to the Dry Creek Conservancy. Regional Water Board staff are satisfied with the resolution of this matter and therefore do not intend to bring a separate action for the Clean Water Act violations.

Insofar as this contemplates a settlement of potential Clean Water Act violations which could be brought by the Regional Water Board, Central Valley Region, for the matters alleged in Complaint No. S CV 20205, the public has an opportunity to comment on the tentative settlement prior to the Executive Officer's determination about whether to approve the settlement. A copy of the settlement documents and the Regional Water Board files concerning the Placer County action are available at the Regional Water Board offices. The settlement documents are also posted on the Regional Water Board's website at [www.waterboards.ca.gov/centralvalley/](http://www.waterboards.ca.gov/centralvalley/). You may contact Sue McConnell to arrange to review the files. Written comments on the settlement must be received by the Regional Water Board **no later than 5:00 p.m. on 25 May 2007**. Comments should be directed to:

Sue McConnell  
California Regional Water Quality Control Board, Central Valley Region  
11020 Sun Center Drive, #220  
Rancho Cordova, CA 95670-6114  
(916) 464-4798

Please bring the above information to the attention of anyone you know who would be interested in this matter.

**William Marshall**  
Storm Water Program Manager